

of Article 16 of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this act, etc., and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

FORTY-THIRD DAY.

(Friday, April 17, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Fisher.
Adams of Harris.	Forbes.
Adams of Jasper.	Ford.
Adamson.	Fuchs.
Adkins.	Gilbert.
Akin.	Giles.
Albritton.	Goodman.
Alsup.	Graves.
Anderson.	Greathouse.
Baker.	Grogan.
Earron.	Hanson.
Beck.	Hardy.
Bedford.	Harrison.
Bond.	of El Paso.
Bounds.	Harrison.
Boyd.	of Waller.
Bradley.	Hatchitt.
Brice.	Hefley.
Bryant.	Herzik.
Burns of Walker.	Hill.
Burns	Hines.
of McCulloch.	Holder.
Carpenter.	Holland.
Claunch.	Holloway.
Coltrin.	Hoskins.
Cox of Lamar.	Howsley.
Cox of Limestone.	Hughes.
Cunningham.	Jackson.
Dale.	Johnson.
Daniel.	of Dallam.
Davis.	Johnson.
DeWolfe.	of Dimmit.
Dodd.	Johnson of Morris.
Donnell.	Jones of Shelby.
Dowell.	Jones of Atascosa.
Dunlap.	Justiss.
Duvall.	Keller.
Dwyer.	Kennedy.
Elliott.	Laird.
Engelhard.	Lasseter.
Farmer.	Lee.
Farrar.	Lemens.
Ferguson.	Leonard.
Finn.	Lilley.

Lockhart.	Shelton.
Long.	Sherrill.
McCombs.	Smith of Bastrop.
McDougald.	Smith of Wood.
McGill.	Sparkman.
McGregor.	Stephens.
Magee.	Stevenson.
Martin.	Strong.
Mathis.	Sullivant.
Mehl.	Tarwater.
Metcalfe.	Terrell.
Moffett.	of Cherokee.
Moore.	Terrell.
Munson.	of Val Verde.
Murphy.	Towery.
Nicholson.	Turner.
O'Quinn.	Van Zandt.
Patterson.	Vaughan.
Pope.	Veatch.
Ramsey.	Wagstaff.
Ratliff.	Walker.
Ray.	Weinert.
Reader.	West of Coryell.
Rogers.	West of Cameron.
Rountree.	Westbrook.
Sanders.	Wiggs.
Satterwhite.	Wyatt.
Savage.	Young.
Scott.	

Absent.

Caven.	Petsch.
Hubbard.	Steward.
Olsen.	

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Warwick for today and tomorrow, on motion of Mr. Tarwater.

Mr. Brooks for today and tomorrow, on motion of Mr. Hines.

Mr. Kayton for today and tomorrow, on motion of Mr. Anderson.

Mr. Coombes for today, on motion of Mr. Ferguson.

Mr. Richardson for today and tomorrow, on motion of Mr. Hanson.

Mr. Harman for today, on motion of Mr. Vaughan.

RELATIVE TO REDUCING OF ARMAMENTS.

Mr. Bradley offered the following resolution:

Whereas, In the last few years there has been consecrated effort to

bring about a reduction in the armed forces of those peoples most given to building up large military and naval establishments; and

Whereas, The United States has contributed to the movement to reduce armaments both in the Washington Conference held in 1921, and in the London Conference held in 1930; and

Whereas, The First General Conference for the Limitation of Armaments to be held in 1932 offers opportunity to supplement the limitations already placed on naval armaments by an effective limitation on military establishments; and

Whereas, It is essential that the peace and safety of the said peoples must be preserved and promoted by mutual reduction of their armed forces as a basis of peaceful relations between them, by avoiding vast expenditures by communities already poverty-stricken and tax-ridden, and by the preservation of the American principle of government that the civil authorities should always be in position to hold proper lawful control of the military authorities; and

Whereas, Not only the prosperity but also the very existence of peaceful society is challenged by the menace of huge military establishments, which facts are voiced by many of the most distinguished public men at the present time; now, therefore, be it

Resolved by the House of Representatives, That the proper authorities in Washington be and hereby are requested to further in every possible way at the said Conference to be held in 1932, the mutual reduction of armaments, and that among the proposals submitted at said Conference there be included, if possible, proposed agreements for mutual restrictions on military training in educational institutions, mutual condemnation of universal military training, and mutual abandonment of attempts to build up trained reserve corps.

Signed—Bradley, Johnson of Dimmit, Hubbard, Murphy.

The resolution was read second time.

On motion of Mr. Keller, the resolution was referred to the Committee on Military Affairs.

HOUSE BILL NO. 251 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as pending business on its passage to engrossment,

H. B. No. 251, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes on, and the collection from, persons, firms, associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith; providing that if any subdivision or part of this act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this act, and declaring an emergency."

The bill having heretofore been read second time, with (committee) amendment by Mr. Holder, pending.

Mr. Johnson of Dimmit moved to reconsider the vote by which an amendment heretofore offered by Mr. Metcalfe to the (committee) amendment was adopted.

The motion to reconsider prevailed.

Mr. Metcalfe then withdrew the amendment.

Mr. Davis offered the following amendment to the amendment:

Amend the amendment to House bill No. 251, Section 4, page 3, line 23, by adding after the word "products," the following: "unless such farm or dairy products, or poultry, or livestock, meats, or vegetables, or fruits or other country products have been purchased by the vendor for the purpose of resale. Provided further the term 'peddler' shall not be construed to include persons who buy any of the aforesaid products for resale to others who process or manufacture from the products so sold."

Mr. DeWolfe moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—41.

Adamson.	Fisher.
Adkins.	Gilbert.
Albritton.	Goodman.
Alsup.	Hanson.
Baker.	Hines.
Bond.	Hoskins.
Bounds.	Hughes.
Boyd.	Johnson of Morris.
Brice.	Jones of Shelby.
Bryant.	Keller.
Burns	Lee.
of McCulloch.	McCombs.
Coltrin.	Magee.
DeWolfe.	Metcalfe.
Donnell.	Pope.
Farmer.	Ray.

Smith of Bastrop.	Towery.
Smith of Wood.	Vaughan.
Sullivant.	Veatch.
Tarwater.	West of Coryell.
Terrell	Westbrook.
of Cherokee.	

Nays—74.

Adams of Harris.	Johnson
Adams of Jasper.	of Dallam.
Barron.	Johnson
Beck.	of Dimmit.
Burns of Walker.	Laird.
Carpenter.	Lasseter.
Claunch.	Lemens.
Cox of Limestone.	Leonard.
Cunningham.	Lilley.
Daniel.	Long.
Davis.	McDougald.
Dodd.	McGill.
Dowell.	Martin.
Dunlap.	Mathis.
Duvall.	Mehl.
Elliott.	Moffett.
Engelhard.	Murphy.
Ferguson.	Nicholson.
Finn.	O'Quinn.
Forbes.	Patterson.
Ford.	Petsch.
Fuchs.	Ramsey.
Giles.	Ratliff.
Graves.	Reader.
Greathouse.	Satterwhite.
Grogan.	Savage.
Hardy.	Scott.
Harrison	Shelton.
of El Paso.	Sherrill.
Harrison	Sparkman.
of Waller.	Strong.
Hatchitt.	Turner.
Hefley.	Wagstaff.
Herzik.	Walker.
Hill.	Weinert.
Holland.	West of Cameron.
Holloway.	Wiggs.
Howsley.	Wyatt.
Jackson.	Young.

Present—Not Voting.

Akin.	Kennedy.
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Absent.

Anderson.	McGregor.
Bedford.	Moore.
Bradley.	Munson.
Caven.	Olsen.
Cox of Lamar.	Rogers.
Dale.	Rountree.
Dwyer.	Sanders.
Farrar.	Stephens.
Holder.	Stevenson.
Hubbard.	Steward.
Jones of Atascosa.	Terrell
Justiss.	of Val Verde.
Lockhart.	Van Zandt.

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

Paired.

Mr. Kennedy (present), who would vote "yea," with Mr. Kayton (absent), who would vote "nay."

Mr. Metcalfe offered the following substitute for the amendment by Mr. Davis to the amendment:

Amend (committee) amendment to House bill No. 251, page 3, line 23, by striking out the period at the end of said line and add thereto the following: "sold to a dealer or any other person for the purpose of resale."

REASON FOR VOTE.

On House bill No. 547 I intended to vote "no," but machine was locked and cut my vote off, so it registered "yes" when I wanted to vote "no."

HANSON.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 870, "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary, office and traveling expenses of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

H. B. No. 811, "An Act to amend Section 1 of Chapter 31 of the Acts of the Second Called Session of the Forty-first Legislature, relating to the qualifications and duties of the county board of education of certain counties, and declaring an emergency."

H. B. No. 754, "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with the teachers, under the direction of the county school superintendent; prescribing the salary of

said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

H. B. No. 741, "An Act amending Article 7122, Revised Civil Statutes, 1925, as amended by the Acts of the Fortieth Legislature, Regular Session, Chapter 62, Section 2, page 87, relating to inheritance taxes, by providing that property passing to or for the use of persons not related to a decedent shall be subject to the payment of inheritance taxes, and declaring an emergency."

H. B. No. 688, "An Act authorizing and directing the State Auditor and Efficiency Expert to immediately begin an audit of the affairs, accounts, books, contracts and employes of the State Highway Department, and making an appropriation out of the funds belonging to the said Highway Department for the purpose of paying the employes necessary to carry out the provisions of this act in the sum of \$12,900, and declaring an emergency."

H. C. R. No. 45, Expressing appreciation to United States Department of Agriculture.

H. J. R. No. 24, Proposing to amend Section 13, Article 8, of the Constitution of the State of Texas, so as to provide for the right to redeem land sold at tax sale within two years from the date of the filing for record of the purchaser's deed for less than double the amount paid for the land, that is to say, upon payment within the first year of the redemption period of the amount of money paid for the land, including \$1.00 tax deed recording fee plus 25 per cent, and within the last year of the redemption period upon the payment of the amount of money paid for the land, including \$1.00 tax deed recording fee plus 50 per cent.

H. C. R. No. 50, Providing for auditing certain fund.

H. C. R. No. 49, Granting leave of absence to district judges.

H. C. R. No. 42, Designating certain State Park.

H. B. No. 746, "An Act authorizing the commissioners court in any county having a population of not less than 12,500 and not more than 12,510, according to the United States census of 1920, and having an area of not less than 3000 square miles, to allow the county judge and each county commissioner certain expenses for

traveling and in connection with the use of his automobile on official business; requiring each such judge and commissioner to pay the expense of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

H. B. No. 847, "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for repurchase of public school land situated in Brewster county and Loving county, Texas, subject to forfeiture and reappraisement on date of passage of Chapter 94, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed, etc., and declaring an emergency."

S. B. No. 572, "An Act making better provisions for public parks and playgrounds outside the limits of incorporated cities; authorizing cities to acquire and maintain recreation parks and playgrounds without their territorial limits and within the county within which they are situated."

S. B. No. 102, "An Act to prescribe regulations for the licensing of local recording agents and solicitors to represent insurance companies and insurance carriers in this State, excepting life insurance companies and carriers; providing for issuing of licenses and the conditions under which they may continue in effect; defining local recording agents and solicitors to be licensed; prohibiting an agent knowingly from granting fire insurance in excess of the value of the subject matter; prohibiting rebating and discrimination; providing penalties for violation of the laws; giving to aggrieved parties resort to courts; providing that the law does not apply to certain representatives of admitted and licensed insurance carriers; repealing laws in conflict, and declaring an emergency."

S. B. No. 571, "An Act to validate the extension of the corporate limits of cities having a population of not less than 15,000 and not more than 20,990, according to the last preceding United States census, either wherein said extension of territory was attempted under statutes providing for the consolidation of cities of more than 5000 population, and wherein in the act of extending said cor-

porate limits said city has included all of the territory of an adjoining city of less than 2000 population, and or wherein said extension of territory was attempted under charter provisions which provide for the annexation of adjoining territory without specific reference to the fact that the adjoining territory is included in an incorporated city, and to validate all proceedings, actions, resolutions, elections and ordinances taken or made in reference thereto or pursuant thereto, repealing all laws and parts thereof in conflict herewith to the extent in conflict herewith, and declaring an emergency."

S. B. No. 575, "An Act to establish a system of public roads and bridges for Bexar county, and to empower the commissioners court thereof to provide rules and regulations therefor, and a system for the construction of such roads and bridges, the maintenance and repair thereof, and to condemn private property for such purposes, to constitute each county commissioner ex-officio commissioner of the public roads and bridges of his precinct and to prescribe the powers and duties of the county commissioners, etc., and declaring an emergency."

S. B. No. 599, "An Act to amend Section 4 of Senate bill No. 40, Acts of the Regular Session of the Forty-second Legislature, and providing that Senate bill No. 40 shall take effect from and after the passage of this act, and declaring an emergency."

S. B. No. 566, "An Act providing for the taking of fish from the fresh water of Rockwall county, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square, etc., and declaring an emergency."

S. B. No. 352, "An Act fixing the maximum compensation which may be allowed for deputies and or assistants to the sheriff, county clerk, district clerk, tax assessor and tax collector in counties with a population over 150,000 inhabitants and containing a city with a population of over 50,000 inhabitants according to the last United States census; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 64, "An Act to amend Article 2246, Chapter 11, Title 42, of the Revised Civil Statutes, fixing the time for filing statements of facts and bills of exception, and providing

for the extension of time where good cause is shown, and declaring an emergency."

S. B. No. 63, "An Act to amend Article 1839, Chapter 3, Title 39, of the Revised Civil Statutes, so as to fix the time for filing the transcript in the Court of Civil Appeals, and providing for an extension of such time for cause shown, and declaring an emergency."

S. B. No. 61, "An Act to amend Article 1845, Chapter 3, Title 39, so as to dispense with the necessity of a file docket, and providing for docketing all causes on the trial docket, and declaring an emergency."

S. B. No. 60, "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39, of the Revised Statutes, so as to provide for the filing of records in the order received, for setting the cases for submission, and the notification of parties of the receipt and the date set for hearing, and declaring an emergency."

S. B. No. 114, "An Act requiring all public cotton classers to have a Federal cotton classers' license, etc., and declaring an emergency."

S. B. No. 59, "An Act permitting filing of statements of facts in duplicate either in narrative or question and answer form, and declaring an emergency."

S. B. No. 26, "An Act amending Article 4276 of Revised Civil Statutes of the State of Texas, permitting a life insurance company to own an office building located on leased ground, and declaring an emergency."

RELATING TO HOUSE BILL NO. 137.

Mr. Savage asked unanimous consent of the House to have the emergency clause added to the caption of House bill No. 137.

There was no objection offered, and it was so ordered.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 17, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 297, A bill to be entitled "An Act to authorize and permit the following persons to sue the State of Texas in the district court of

Travis county, Texas, towit: S. G. Burnett, Bertha D. Paggi, Charles Paggi, for themselves and as executors of the will of Ed. Paggi, deceased, C. T. Heisig, Hal G. Land, J. Rosenthal, B. A. Steinhagen, H. A. Pearlstein, Ida L. Keith, for herself and as independent executrix of the will of John L. Keith, deceased, and declaring an emergency."

S. B. No. 586, A bill to be entitled "An Act (1) to amend Section 14 of Chapter — of the Acts of the Forty-first Legislature of Texas, Regular Session, and clarifying the intent of said Section 14 as the same would relate to Section 132 of Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, and declaring an emergency."

Has concurred in House amendments to Senate bill No. 118 by a viva voce vote.

Refused to concur in House amendments to Senate bill No. 17 and requests the appointment of a free conference committee. The following have been appointed on the part of the Senate:

Senators Beck, Hornsby, Holbrook, Small and Purl.

Refused to concur in House amendments to Senate bill No. 132 and requests the appointment of a free conference committee. The following have been appointed on the part of the Senate:

Senators Oneal, Moore, Hardin, Rawlings and Cunningham.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 331 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 331, A bill to be entitled "An Act to repeal Articles 7280, 7323, 7327, 7329, 7332, 7335, 7342 and 7349 of the Revised Civil Statutes of Texas, 1925, and Chapter 20, page 25, Acts of Regular Session of the Fortieth Legislature, and Chapters 69 and 70, page 195, and Chapter 99, page 260, of the Acts of the First Called Session of the Fortieth Legislature, etc., and declaring an emergency."

The bill was read second time.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend House bill No. 331 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. In making sales of real property for taxes, the collector shall advertise the same for sale together with a notice addressed to all delinquents, unknown owners, lienholders and all persons interested therein, in some newspaper published in the county where the land is to be sold, once a week for three successive weeks, if there be one, previous to the day of sale, and the publisher of such newspaper shall receive as compensation not exceeding twenty-five cents for each tract or parcel of land so advertised to be taxed as other costs of sale against such land. The term tract in this section shall mean all lands or lots in any survey or section or block or part thereof delinquent and owned and listed together by the same party. If there be no newspaper published in the county, or there being a newspaper published in the county and the publisher thereof refuses to publish the advertisement at the price herein fixed, then the advertisement shall be made by posting the same for thirty days previous to the day of sale, at the courthouse door and three other public places in the county where the land or lots are situated, giving in said advertisement such description as is given to the same on the tax rolls in his hands, or an abstract thereof, stating the name of the owner if shown on the tax roll, and if shown as unknown say "unknown" together with the amount of taxes due, with the time, and place of sale; said sale to be for cash, to the best bidder, at public outcry at the courthouse door, and between legal hours, on the first Tuesday of the month as provided in Section 6 of this act. It is made the duty of the commissioners court of the county and the governing body in other taxing subdivisions to contract for said advertisement if published and pay therefor and be reimbursed by the collector when and as the costs are paid.

Sec. 2. The tax collector shall execute and deliver to the purchaser, upon the payment of the amount for which the property was sold, and the cost and penalties, a deed for the real estate sold, which deed shall vest a good and perfect title to said land in the purchaser, if not redeemed in two years, as provided by law, which deed shall state the cause of sale, the

amount sold, the price for which the real estate was sold, the name of the person, firm, company or corporation in whose name assessed, and if shown as unknown say "unknown," the same description of the land as is given in the tax rolls, and such other description as may be practicable for better identification; and when real estate has been sold, he shall convey, subject to the right of redemption provided for in Section 3 of this Act, all the right and interest which the former owner, and all lien holders and all parties interested therein, had therein at the time the sale was made, also subject to quiet title proceedings specified in this Act.

Sec. 3. The owner of the real estate sold for the payment of taxes, or his heirs or assigns or legal representatives, may, within two years from the date of purchaser's deed redeem the land by paying or tendering to the purchaser, his heirs or legal representatives double the amount of money paid for the land; provided that, subject to the owner's right to redeem as aforesaid, any lienholder or party interested therein may within the time above specified redeem said property under the same provisions.

Provided, however, that in the event House joint resolution No. 24 is adopted that from and after it becomes effective the law of redemption in lieu of the foregoing provision shall be as follows:

The owner of the real estate sold for the payment of taxes or his heirs or assigns or legal representatives, may, within two years from the date of filing for record of the purchaser's deed, have the right to redeem the land on the following basis:

(1) Within the first year of the redemption period upon the payment of the amount of money paid for the land, including one (\$1.00) dollar tax deed recording fee and all taxes, penalties, interest and costs paid plus twenty (20%) per cent of the aggregate total.

(2) Within the last year of the redemption period upon the payment of the amount of money paid for the land, including one (\$1.00) dollar tax deed recording fee and all taxes, penalties, interest and costs paid plus forty (40%) per cent of the aggregate total.

Provided that, subject to the owner's right to redeem as aforesaid, any lienholder or party interested there-

in may within the time above specified redeem said property under the same provisions.

Sec. 4. All lands or lots that are delinquent for taxes due thereon for the year 1915 and each year thereafter, or which may hereafter be returned delinquent or reported sold to the State or to any city or town, or any district or other taxing subdivision shall be subject to the provisions of this chapter, and said taxes shall remain a lien upon the said land, although the owner be unknown, or though it be listed in the name of a person not the actual owner; and though the ownership be changed, the land may be sold without suit or judgment of court, for all taxes, interest, penalty and costs shown to be due by such assessment for any preceding year covered by this act and no statute of limitation shall apply or be a defense against any tax legally due. When this act takes effect if suit in court is pending, without contest of defendant, then all such suits shall be dismissed as to all years of delinquency covered by this act, and the same shall be sold with accrued costs affixed as costs under the provisions of this act; provided that in all cases where judgment has been taken and order of sale has not been executed, and in all cases where contest is being urged, then, and in those cases only, shall the same be enforced under the laws in force at the time this act takes effect.

Sec. 5. Within thirty days after delinquency each year, or as soon thereafter as practicable the collector of taxes shall mail to the address of each owner of any lands or lots, such address and owners as shown by the tax roll, a notice showing the amount of taxes delinquent or past due and unpaid against all such lands and lots as shown by the delinquent tax rolls on file in the office of the tax collector, but failure to send or receive such notice shall be no defense to sale for unpaid taxes. Such notice shall also contain a brief description as shown by the tax rolls of the lands and lots appearing delinquent and the amount due against such lands and lots for each year they appear to be delinquent, and it shall also recite that unless the owner of such lots or land described therein shall pay to the tax collector the amount of taxes, interest, penalties and costs set forth in such notice within thirty days from the date of notice, that the same will be duly advertised and notice given

as by this act required and sold as provided by this act. The tax collector shall furnish on demand of any person, firm or corporation statements with reference to any particular lot or tract of land for whatever purpose desired, which shall be in all instances certified by him with seal of his office attached, and it is specially provided that any lienholder may at any time after delinquency and before the notice provided for in this section has been mailed, file with the tax collector a description of the real estate upon which such lien exists, giving the name and post office address of such lienholder, and the notice provided in this section shall also be mailed by the collector to such lienholder the same as the owner as above specified. Whenever any person, or persons, firm or corporation shall pay to the tax collector all the taxes, interest, penalties and costs shown by the delinquent tax rolls to be due and unpaid against any tract, lot or parcel of land for all the years for which taxes may be shown to be due and unpaid, prior to tax sale, the tax collector shall issue to such person or persons, firm, or corporation, a receipt covering such payment as is now required by law.

Sec. 6. No suit in court shall be required to enforce tax liens and authorize sale of property for unpaid delinquent taxes. Whenever any taxes on real estate have become delinquent it shall be the duty of the tax collector between June 1st and December 31st of each year next succeeding the year of such delinquency after advertisement as provided in Section 1 of this act to sell without suit the least quantity or interest of property which any bidder will buy for cash equivalent to the amount of taxes, interest, penalties and costs, including the costs of sale, and if no bid is received for less than all of said property, then to sell without suit all of said property for cash equivalent to the amount of taxes, interest, penalty and costs including the cost of sale, and such bidder shall be deemed the best bidder, and if no sufficient bid is received to pay the sums aforesaid the same shall be bid in by the collector in the name of the State of Texas for the benefit of the State and county, provided that in a city, town, district, and all subdivisions of government in which the State does not receive any part of the taxes, then and in that event the tax collector thereof shall bid in the

same in the name of such city, town, district or subdivision respectively. If the judicial hours of the sale day be not sufficient time, the sales shall continue during the judicial hours of the next succeeding day just the same, and so on, except Sunday, until such sales are completed; provided, that where an owner or bona fide lienholder has, prior to the day of sale, instituted suit in the district court of the county where the land is situated attacking such tax, the clerk of the district court shall notify the collector of such suit and give a description of the property involved, whereupon such property shall be advertised for sale just the same as other delinquent property but shall not be sold until after such case has been determined, when it may be sold on any judicial sale day without further notice or advertisement unless the final decree shows no taxes, interests, penalties or costs are due. In event the collector fails or refuses to make such sale within the time as hereinbefore provided such failure or refusal shall be an act of malfeasance and he shall be subject to removal from office and it shall become, in such event, the duty of the Attorney General of Texas to institute proceedings to remove such collector from office, and the new collector appointed or elected shall, as early as practicable thereafter, cause the same to be duly made. From and after this act takes effect, all pending tax suits shall be governed by the provisions in Section 4 of this act and no further tax suits shall be required to be filed to enforce tax liens on delinquent taxes, covered by this act, and as to all delinquent taxes on real property for the year 1915 to the year 1930, inclusive, the tax collector shall, as early as practicable within two years, enforce and collect the same by the same method as provided for the annual sales except that it shall not be necessary to mail any notices for years prior to 1930 as provided in Section 5 of this act; and specially provided, that for the years 1915 to 1930, inclusive, the notice and advertisement required by Section 1 of this act may include all delinquencies for all of said years in one notice and advertisement and sale, or the same may be made in as many advertisements and sales as may be deemed practical; and for delinquencies for years 1915 to 1930, inclusive, no parcel of real estate shall be advertised and/or sold under

but one advertisement, and such advertisement shall show the year of delinquency; and if delinquent for more than one year, then such advertisement shall show consecutively all years of delinquency in the same notice and the one sale shall be for all the delinquencies against that particular parcel of real estate, and in such event each year shall constitute a separate tract in determining the compensation for publishing the same. The delinquent roll and delinquent lists shall be in the hands of the tax collector the same as, and have all the force and effect of, an execution and order of sale in the hands of any executive officer.

Sec. 7. Where the property is bid off to the State, the tax collector shall make and execute a deed to the State, showing in each case the amount of taxes, interest, penalty and costs for which sold, and the clerk's fees for recording deeds. He shall cause such deeds to be recorded in the record of deeds by the county clerk in his county only in those cases where the delinquent tax board, after investigation, has found the same not subject to cancellation as provided herein, and when so recorded shall forward the same to the Comptroller. The county clerk shall be entitled to a fee of one dollar (\$1) for recording each such deed to the State, to be taxed as other costs. When land thus sold to the State shall be redeemed, the tax collector shall make the proper distribution of the moneys received by him in such redemption, paying to each officer the amount of costs found to be due, and to the State and county the taxes, interest and penalty found to be due each respectively. If any of the land thus sold to the State is not redeemed within the time prescribed by this law, the tax collector shall sell the same at public outcry to the highest bidder for cash at the principal entrance of the courthouse in the county wherein the land lies, after giving notice of sale in the manner now prescribed for the sale of real estate under execution. Said notice shall contain brief description of the land to be sold, which notice may contain more than one tract and may contain as many tracts as may be at the time legally authorized for sale under this section, the date of its purchase by the State, the price for which the land was sold to the State; that it will be sold at public outcry to the highest bidder for cash,

date and place of sale. All sales contemplated herein shall be made in the manner prescribed for the sale of real estate under execution. Nothing herein shall be construed as prohibiting the State, acting through the county attorney of the county where the land lies, or its Attorney General, from instituting an action to set aside the said sale on the grounds of fraud or collusion between the officer making the sale and the purchaser. The tax collector shall send the amount received from such sale to the State Treasurer after deducting the amount of the county taxes, interest and penalty of the county tax, which he shall pay to the county treasurer. The tax collector, in behalf of the State, shall execute a deed conveying title to said property when sold and paid for; provided, however, that before any sale under this article of property that has been or in the future shall have been sold to the State, the Comptroller, the Tax Commission and the Attorney General of Texas are hereby designated and constituted the Delinquent Tax Board, and said Board shall investigate as to the record of the sales to the State, and those appearing regular shall be sold to the highest bidder as provided by law, and in event of material irregularity or excessive assessed valuation or excessive or illegal costs or insufficiency of description, then and in either event such sale to the State shall be null and void and cancelled by a certificate of the facts signed by any two members of said Board and forwarded to the tax collector of the county where the real property is situated for delivery to the owner, and such certificate of cancellation may be recorded in the official records of the county where the land is situated. The said Delinquent Tax Board shall prescribe such forms as are necessary in the enforcement of delinquent State and county tax liens on real property, but any form carrying out the substance of said provisions shall have all the force and effect of prescribed forms.

Sec. 8. In all cases in which lands may be sold under the provisions of this act, for default in the payment of taxes, the tax collector selling the same, or any of his successors in office, shall make a deed or deeds to the purchaser or to any other person to whom the purchaser may direct the deed to be made and said deed may include any number of tracts sold to-

gether or separately to the same purchaser, and any such deed shall be held in any court of law or equity in this State to vest good and perfect title in the purchaser thereof against the owner and all lienholders, and all parties interested therein subject to be impeached only for actual fraud; and the fact that the taxes were paid on part of the property sold, prior to the sale thereof, or that part thereof was not subject to taxes, shall not be a cause for annulling the sale as to any part thereof on which the taxes for which it was sold were delinquent and unpaid. Said tax deed or certified copy thereof, shall be admissible in evidence in all courts as prima facie evidence of the following facts:

1. That the property covered in said deed was subject to taxation at the time of the assessment thereof.

2. That none of the taxes for which said property was sold were paid.

3. That the property was not redeemed in the time prescribed by law.

4. That the property was listed and assessed according to law.

5. That the taxes were levied according to law.

6. That the property was advertised and notice given all owners, lienholders, and all persons interested therein according to law.

7. That the property was adjudicated and sold to the purchaser as stated in the deed.

8. That all prerequisites of the law were complied with by all the officers from the listing and assessment of said property, inclusive, up to and including the execution and delivery of the deed to the purchaser.

In order to invalidate the deed and sale it shall be necessary for the party attacking it to prove that all the taxes for all the year for which it was sold had been paid before the sale, or that the property was redeemed according to law, or that the same was exempt from taxation for all the year for which it was sold, or collusion; provided, that an official tax receipt or tax collector's certificate may be recorded in the official tax receipt records or the deed records in the county clerk's office and the same or a certified copy thereof from the official records of the county clerk's office showing that all the taxes thereon for the year sold and all costs were paid prior to the date of sale, shall be prima facie proof that such tax deed is null and void; further spe-

cially provided that no judgment annulling a tax sale shall have effect until the amount paid for the land, and all taxes and costs paid, with 10 per cent per annum interest on the amount paid for the land, and all taxes and costs paid from the date of respective payments be paid to the holder of the tax title, but this provision shall not apply to sales annulled on account of taxes and costs having been paid prior to the date of sale, or on account the property was not subject to taxation. Provided, however, that the purchaser of land at tax sale or the holder of the tax title shall have no right of possession until the expiration of the redemption period, and not until then said purchaser, his heirs or assigns, executors or administrators, successors or legal representatives, shall have instituted suit in the district court in the county where the land is situated to quiet said tax title, it being specially provided that unless said suit to quiet tax title is instituted within four years from the date the redemption period begins such tax deed shall become absolutely void ab initio; and at any time during the last two years of the above specified four-year period prior to the entering of the final decree in said suit, but not after the entering of final decree, nor in any event after the four-year period expires, the owner or lienholder or other party interested shall have the further right in addition to the right of redemption as herein provided to pay or tender to the holder of the tax title or to pay into court, double the amount paid for the land at tax sale plus double the cost of recording the tax deed, plus double all other legal taxes, penalties, interest and costs if any paid by any holder of said tax title plus a reasonable attorney's fee as may be fixed by the court, and in such event the tax deed and tax title shall be set aside; further specially provided that in actions to quiet tax title two or more former owners, proprietors, lienholders or parties interested in separate tracts who have no privity or common interest may, at the option of the holder of said tax title be joined and brought into court in one and the same suit. In the event such suit involves a tax title of an undivided interest in real property, the holder of such tax title may, also, in addition to maintaining his suit to quiet title, exercise his right of partition. In suits authorized by this act wherein citation by pub-

lication shall issue, said citation by publication shall be sufficient if it shows the names of the parties, the number of the suit, when returnable, and a brief description of the property or a reference to any official record description thereof, and in substance that the suit is for the purpose of quieting tax title or tax titles and or partitions as the case may be; and, except as herein otherwise specified, the statutes governing actions in trespass to try title and partitions and all other laws applicable shall govern.

Sec. 9. For preparing each tax deed and assisting the collector in preparing the notice and advertisement for sale provided in Section 1 of this act the county or district attorney who is actually representing the county in such matters shall receive a fee of 50 cents to be taxed as costs of sale and for executing and acknowledging each deed the tax collector shall receive a fee of one dollar (\$1) to be taxed as costs of sale. Provided, that if more than one sale is made to the same purchaser all sales to the same purchaser may be evidenced by the same deed, and for each sale after the first sale the fees of the attorney and collector shall be 50 per cent of the respective amounts above specified. For preparing the annual delinquent list of assessments charged to the tax collector upon the tax roll, but which have not been collected at the time of his annual settlement with the State and county, separating the property previously sold to the State from that reported sold as delinquent for preceding years and for prorating the State taxes into State revenue, State school and State pension, calculating the penalty, extending it and adding it in with other taxes, balancing the delinquent lists and certifying it to the commissioners court and the Comptroller. the tax collector shall be entitled to a fee of one dollar (\$1) for each correct assessment of land to be sold, said fee to be taxed as costs against the delinquent. For issuing notices to taxpayers, issuing statements in regard to particular tracts of land required by this law, preparing and issuing cancellations, calculating and preparing redemption certificates, and receipts, reporting and crediting redemptions, posting Comptroller's redemption numbers on the delinquent roll, mailing certificates of redemption to taxpayers after approval by the Comptroller. and for preparing

the list and notice and causing advertisement thereof as required by Section 1 of this act, the tax collector shall receive five per cent of all delinquent taxes collected by him which, together with all other fees shall be accounted for as fees of office, and shall not be retained by such tax collectors so as to increase the maximum compensation now allowed by law for such respective office.

Sec. 10. All fees and costs authorized by law shall be taxed as costs against the land to be sold by the tax collector and paid out of the proceeds of sale of same after the taxes, penalty and interest due thereon are paid, and in no case shall the State or county or city or town or district or other subdivision be liable therefor, unless by law so specified.

Sec. 11. Where lands or lots shall hereafter be sold to the State or to any city or town or district or other subdivision for taxes, the owner or anyone having an interest in such lands or lots shall have the right at any time within two years from the date of sale to redeem the same upon payment of the amount of taxes for which sale was made, together with all costs and penalties required by law, and also payment of all taxes, interest, penalties and costs on or against said land or lots at the time of the redemption.

Sec. 12. In all cases where lands in this State have been or may be sold for taxes, and the owner of the land, at the time of such sale, shall desire to redeem the same, under the provisions of the Constitution, or of laws enacted on that subject, it shall be sufficient to entitle such owner to redeem from the purchaser or purchasers thereof for him to have had a paper title to such land, or to have been in possession of such land, in person or by tenant, at the time when such sale was made; and the existence of such facts and conditions shall be sufficient prima facie evidence of ownership to entitle the party so claiming ownership to the right to redeem such land; and he shall not be required to deraign title from the sovereignty, nor shall any hiatus or defect in his chain of title defeat the offered redemption. Nothing herein shall be held to limit the right of one offering to redeem to prove ownership otherwise than herein provided, nor prevent anyone having the superior title from redeeming such land within two years

from the date of the tax sale by paying to the person who has previously redeemed such lands the amounts provided by law.

Sec. 13. In any incorporated city or town, or independent school district, or water improvement district, or any other district or subdivision of government organized under the laws of Texas authorized to levy and collect taxes in which any tracts, lots, outlots or blocks of land situated therein have been returned delinquent, or reported sold to said city or town or district for the taxes due thereon, the governing body may prepare, or cause to be prepared, lists of delinquents in the same manner as provided in this chapter, and such lists shall be certified to as correct by the mayor or the presiding officer of the governing body. After said lists have been properly certified to, the governing body may cause notice to be published in a newspaper as provided for State and county delinquent taxes in this law, and said property shall be sold under the provisions of this act.

All provisions of this act are made available for, and shall be applied to, the collection of delinquent taxes of cities and towns and independent school districts and water improvement districts and all other districts and subdivisions of government organized under the laws of Texas, authorized to levy and collect taxes in so far as such laws are applicable.

Sec. 14. In all sales to enforce the collection of delinquent taxes, where the assessment of any property for any year is invalidated by reason of the failure of the assessor to comply with the provisions of law for the description of any lot, block or tract of land, or to give a separate value on each lot, block or tract of land, known as "bulk assessments," or to enter upon the lists (similar to that used for the listing of rendered property, to be signed by the owner) all items of property assessed to unknown owners, all such assessments are hereby validated and given the same force and effect as if the description, the separate valuation and the listing were in all respects strictly in compliance with law; provided, as to description, that the descriptions given are sufficient when aided by outside record or parol evidence to identify the property, as to separate values, that the valuations and taxes shown upon the tax rolls

(in what are called "bulk assessments") can be approximately and fairly prorated to each separate lot, block or tract of land; and as to listing, that the valuation given on the tax rolls upon properties assessed as unknown are found to have been entered upon the assessor's block book as the original assessment, instead of listing as in rendered assessments and then entering upon the tax rolls.

Sec. 15. Articles 7276, 7277, 7280, 7281, 7283, 7320, 7324, 7326, 7327, 7328, as amended by Chapter 99, page 260 et seq., First Called Session of the Fortieth Legislature of Texas, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7337, 7340, 7341, 7342, 7343 and 7351 of the Revised Civil Statutes of the State of Texas of 1925, and also Chapter 20, page 25, Acts of Regular Session of Fortieth Legislature, and Chapter 69, page 195, and Chapter 70, pages 195-6, of the Acts of the First Called Session of the Fortieth Legislature, and Chapter 48, page 103, and Chapter 143, page 307, of the Acts of the Regular Session of the Forty-first Legislature of Texas, and Chapter 81, page 161, of the Second Called Session of the Forty-first Legislature of Texas, and all other laws pertaining to the collection of delinquent taxes by foreclosure suit shall only apply and be enforced as to the collection of delinquencies for the year 1914 and prior thereto, except in such instances as in this act specified; provided, however, that said laws specified in this section shall not apply or be enforced in any event as to any parcel of real estate sold under this act for delinquencies for year 1915 or thereafter, and further specially provided that Sections 1 to 14, inclusive, of this act shall not apply to the enforcement of the collection of delinquent taxes for any year prior to the year 1915.

Sec. 16. If any part of this act or any section thereof shall be held to be unconstitutional, then the remaining part shall be unaffected thereby and remain in full force and effect as the express intent of the Legislature.

Sec. 17. The fact that there is now no adequate law providing for the enforcement of tax liens and the authorization of sales of real property for unpaid delinquent taxes without suits in court, and the fact that the enforcement thereof through foreclosure suits has proved to be in-

efficient, resulting in millions of dollars of delinquent taxes, and the fact that there is an urgent and immediate need to reduce the exorbitant costs of the present method of collecting delinquent taxes creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

(Pending consideration of the bill, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

RECESS.

On motion of Mr. Satterwhite, the House, at 12 o'clock noon, took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m., and was called to order by Mr. Sanders.

HOUSE BILL NO. 331 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 331, relating to enforcement of tax liens and the authorization of sales of real property for unpaid taxes, the bill having heretofore been read second time, with amendment by Mr. Johnson of Dimmit, pending.

(Speaker in the chair.)

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 331 by striking out the enacting clause.

(Pending consideration of the amendment, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Petsch moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—28.

Adamson.	Greathouse.
Anderson.	Grogan.
Bedford.	Harrison
Bradley.	of Waller.
Burns of Walker.	Hefley.
Burns	Holloway.
of McCulloch.	Hoskins.
Carpenter.	Lilley.
Coltrin.	McCombs.
Dodd.	McDougald.
Elliott.	McGregor.
Engelhard.	Mathis.
Farmer.	Pope.
Gilbert.	Sherrill.
Graves.	Van Zandt.

Nays—81.

Adams of Jasper.	Jones of Shelby.
Adkins.	Jones of Atascosa.
Akin.	Kennedy.
Alsup.	Laird.
Baker.	Lemens.
Barron.	Leonard.
Beck.	Lockhart.
Bond.	Long.
Bounds.	McGill.
Brice.	Magee.
Bryant.	Metcalfe.
Claunch.	Moffett.
Cunningham.	Munson.
Daniel.	Murphy.
Davis.	O'Quinn.
DeWolfe.	Petsch.
Donnell.	Ratliff.
Dowell.	Reader.
Dunlap.	Rountree.
Dwyer.	Satterwhite.
Ferguson.	Savage.
Fisher.	Scott.
Forbes.	Shelton.
Ford.	Smith of Bastrop.
Giles.	Smith of Wood.
Goodman.	Stephens.
Hanson.	Steward.
Hardy.	Strong.
Harrison	Sullivant.
of El Paso.	Tarwater.
Hatchitt.	Terrell
Herzik.	of Cherokee.
Hill.	Towery.
Hines.	Turner.
Holder.	Vaughan.
Howsley.	Veatch.
Hughes.	Wagstaff.
Jackson.	Walker.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
Johnson	Wiggs.
of Dimmit.	Young.
Johnson of Morris.	

Absent.

Adams of Harris.	Boyd.
Albritton.	Caven.

Cox of Lamar.	Nicholson.
Cox of Limestone.	Olsen.
Dale.	Patterson.
Duvall.	Ramsey.
Farrar.	Ray.
Finn.	Rogers.
Fuchs.	Sanders.
Hubbard.	Sparkman.
Justiss.	Stevenson.
Keller.	Terrell
Lasseter.	of Val Verde.
Lee.	Weinert.
Martin.	Westbrook.
Mehl.	Wyatt.
Moore.	

Present—Not Voting.

Holland.

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

Paired.

Mr. Holland (present), who would vote "yea," with Mr. Weinert (absent), who would vote "nay."

Question then recurring on the amendment by Mr. Johnson of Dimmit, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—89.

Adams of Jasper.	Fuchs.
Adamson.	Gilbert.
Adkins.	Giles.
Akin.	Goodman.
Alsup.	Hanson.
Baker.	Hardy.
Barron.	Harrison
Beck.	of El Paso.
Bedford.	Herzik.
Bond.	Hill.
Bounds.	Hines.
Bradley.	Holder.
Brice.	Holloway.
Bryant.	Howsley.
Claunch.	Hughes.
Cunningham.	Jackson.
Daniel.	Johnson
Davis.	of Dallam.
DeWolfe.	Johnson
Dodd.	of Dimmit.
Donnell.	Johnson of Morris.
Dowell.	Jones of Shelby.
Dunlap.	Kennedy.
Duvall.	Laird.
Engelhard.	Lemens.
Ferguson.	Leonard.
Fisher.	Lockhart.
Forbes.	Long.
Ford.	McGill.

Magee.	Steward.
Metcalfe.	Strong.
Moffett.	Sullivan.
Munson.	Tarwater.
Murphy.	Terrell
O'Quinn.	of Cherokee.
Petsch.	Towery.
Ratliff.	Turner.
Reader.	Van Zandt.
Rountree.	Vaughan.
Satterwhite.	Veatch.
Savage.	Wagstaff.
Scott.	Walker.
Shelton.	West of Coryell.
Sherrill.	West of Cameron.
Smith of Bastrop.	Wiggs.
Smith of Wood.	Young.
Stephens.	

Nays—19.

Albritton.	Greathouse.
Anderson.	Grogan.
Burns of Walker.	Hefley.
Burns	Hoskins.
of McCulloch.	Jones of Atascosa.
Carpenter.	Lilley.
Coltrin.	McCombs.
Elliott.	McDougald.
Farmer.	Mathis.
Graves.	Pope.

Absent.

Adams of Harris.	McGregor.
Boyd.	Martin.
Caven.	Mehl.
Cox of Lamar.	Moore.
Cox of Limestone.	Nicholson.
Dale.	Olsen.
Dwyer.	Patterson.
Farrar.	Ramsey.
Finn.	Ray.
Harrison	Rogers.
of Waller.	Sanders.
Hatchitt.	Sparkman.
Holland.	Stevenson.
Hubbard.	Terrell
Justiss.	of Val Verde.
Keller.	Weinert.
Lasseter.	Westbrook.
Lee.	Wyatt.

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill. House bill No. 331 was then passed to engrossment by the following vote:

Yeas—81.

Adams of Jasper.	Akin.
Adkins.	Baker.

Barron.	Laird.
Bond.	Lemens.
Bounds.	Leonard.
Brice.	Lockhart.
Bryant.	McGill.
Claunch.	Magee.
Cunningham.	Metcalf.
Daniel.	Moffett.
Davis.	Munson.
DeWolfe.	Murphy.
Donnell.	O'Quinn.
Dowell.	Petsch.
Dunlap.	Ratliff.
Duvall.	Reader.
Dwyer.	Rountree.
Ferguson.	Sanders.
Fisher.	Satterwhite.
Forbes.	Savage.
Ford.	Scott.
Fuchs.	Shelton.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Hanson.	Smith of Wood.
Hardy.	Stephens.
Harrison	Steward.
of El Paso.	Strong.
Hatchitt.	Sullivant.
Herzik.	Tarwater.
Hill.	Terrell
Hines.	of Cherokee.
Holder.	Towery.
Howsley.	Turner.
Hughes.	Vaughan.
Jackson.	Veatch.
Johnson	Wagstaff.
of Dallam.	Walker.
Johnson	West of Coryell.
of Dimmit.	West of Cameron.
Johnson of Morris.	Wiggs.
Jones of Shelby.	Young.
Kennedy.	

Nays—27.

Adamson.	Finn.
Albritton.	Gilbert.
Alsup.	Graves.
Anderson.	Greathouse.
Beck.	Harrison
Bradley.	of Waller.
Burns of Walker.	Helley.
Burns	Lasseter.
of McCulloch.	Lilley.
Carpenter.	McCombs.
Coltrin.	McDougald.
Dodd.	Mathis.
Elliott.	Pope.
Engelhard.	Van Zandt.
Farmer.	

Present—Not Voting.

Holland.	Jones of Atascosa.
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Absent.

Adams of Harris.	Cox of Lamar.
Bedford.	Cox of Limestone.
Boyd.	Dale.
Caven.	Farrar.

Grogan.	Olsen.
Holloway.	Patterson.
Hoskins.	Ramsey.
Hubbard.	Ray.
Justiss.	Rogers.
Keller.	Sparkman.
Lee.	Stevenson.
Long.	Terrell
McGregor.	of Val Verde.
Martin.	Weinert.
Mehl.	Westbrook.
Moore.	Wyatt.
Nicholson.	

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

Paired.

Mr. Holland (present), who would vote "nay," with Mr. Weinert (absent), who would vote "yea."

MOTION TO TAKE UP HOUSE BILL NO. 331.

Mr. Johnson of Dimmit moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 331 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote), by the following vote:

Yeas—86.

Adams of Jasper.	Giles.
Adkins.	Goodman.
Akin.	Grogan.
Albritton.	Hanson.
Alsup.	Harrison
Baker.	of El Paso.
Barron.	Hatchitt.
Bond.	Herzik.
Bounds.	Hill.
Brice.	Hines.
Bryant.	Holder.
Carpenter.	Howsley.
Claunch.	Hughes.
Cunningham.	Jackson.
Daniel.	Johnson
Davis.	of Dallam.
DeWolfe.	Johnson
Donnell.	of Dimmit.
Dowell.	Johnson of Morris.
Dunlap.	Jones of Shelby.
Duvall.	Jones of Atascosa.
Dwyer.	Kennedy.
Ferguson.	Laird.
Fisher.	Lemens.
Forbes.	Lockhart.
Ford.	Long.
Fuchs.	McGill.
Gilbert.	McGregor.

Magee.	Stephens.
Metcalf.	Steward.
Moffett.	Strong.
Munson.	Sullivant.
Murphy.	Tarwater.
O'Quinn.	Terrell
Petsch.	of Cherokee.
Ratliff.	Towery.
Reader.	Turner.
Rountree.	Vaughan.
Sanders.	Veatch.
Satterwhite.	Wagstaff.
Savage.	Walker.
Scott.	West of Coryell.
Shelton.	West of Cameron.
Smith of Bastrop.	Wiggs.
Smith of Wood.	Young.

Nays—27.

Adamson.	Harrison
Anderson.	of Waller.
Beck.	Hefley.
Bradley.	Holland.
Burns of Walker.	Hoskins.
Burns	Lasseter.
of McCulloch.	Lilley.
Coltrin.	McCombs.
Dodd.	McDougald.
Elliott.	Mathis.
Engelhard.	Pope.
Farmer.	Sherrill.
Finn.	Stevenson.
Greathouse.	Van Zandt.
Hardy.	

Absent.

Adams of Harris.	Martin.
Bedford.	Mehl.
Boyd.	Moore.
Caven.	Nicholson.
Cox of Lamar.	Olsen.
Cox of Limestone.	Patterson.
Dale.	Ramsey.
Farrar.	Ray.
Graves.	Rogers.
Holloway.	Sparkman.
Hubbard.	Terrell
Justiss.	of Val Verde.
Keller.	Weinert.
Lee.	Westbrook.
Leonard.	Wyatt.

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

SPECIAL ORDER SET.

Mr. Anderson moved that House joint resolution No. 26 be set as a special order for 11 o'clock a. m., next Tuesday.

The motion prevailed.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today (by unanimous consent), was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Daniel:

H. B. No. 1029, A bill to be entitled "An Act making an appropriation of money to reimburse Houston county, Texas, and two school districts in said county for taxes on the Eastham State Prison Farm lands, situated in said county, and said districts for the years 1929 and 1930, and declaring an emergency."

Referred to Committee on Appropriations.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 118, "An Act providing for the publishing of biennial reports of State officers, boards and departments of this State; providing the manner thereof, and declaring an emergency."

RELATIVE TO SENATE BILL NO. 153.

On motion of Mr. McDougald, the caption of Senate bill No. 153 was ordered amended to conform to all changes made in the body of the bill.

CONFERENCE COMMITTEE ON SENATE BILL NO. 17.

On motion of Mr. Sanders, the House granted the request of the Senate for the appointment of a conference committee on Senate bill No. 17.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Sanders, McGill, Graves, Ramsey, and Young.

CONFERENCE COMMITTEE ON SENATE BILL NO. 132.

On motion of Mr. Hatchitt, the House granted the request of the Senate for the appointment of a conference committee on Senate bill No. 132.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Hatchitt, Moffett, Petsch, Dowell, and Harrison of El Paso.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 586, to the Committee on Conservation and Reclamation.

Senate bill No. 297, to the Committee on State Affairs.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 17, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 919, A bill to be entitled "An Act authorizing the county commissioners of certain described counties to receive out of the general fund of the county expenses for the operation and upkeep of automobiles not exceeding fifty dollars per month, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADJOURNMENT.

Mr. Satterwhite moved that the House recess to 9 o'clock a. m. tomorrow.

Mr. Harrison of El Paso moved that the House adjourn until 9 o'clock a. m. next Monday.

Mr. Van Zandt moved that the House adjourn until 9 o'clock a. m. tomorrow.

Question first recurring on the motion by Mr. Van Zandt, it was lost.

Question then recurring on the motion of Mr. Harrison of El Paso, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—15.

Adkins.	Hill.
Anderson.	Holder.
Bedford.	Hoskins.
DeWolfe.	Lasseter.
Dwyer.	Lockhart.
Farmer.	McGregor.
Harrison	O'Quinn.
of El Paso.	Pope.

Nays—86.

Mr. Speaker.	Johnson of Morris.
Adams of Jasper.	Jones of Shelby.
Adamson.	Jones of Atascosa.
Akin.	Keller.
Alsup.	Kennedy.
Baker.	Laird.
Barron.	Lemens.
Beck.	Leonard.
Bond.	Lilley.
Bounds.	Long.
Brice.	McCombs.
Bryant.	McDougald.
Burns of Walker.	McGill.
Burns	Magee.
of McCulloch.	Munson.
Carpenter.	Murphy.
Claunch.	Petsch.
Coltrin.	Ratliff.
Cunningham.	Reader.
Davis.	Rountree.
Dodd.	Sanders.
Donnell.	Satterwhite.
Dowell.	Savage.
Elliott.	Scott.
Engelhard.	Shelton.
Fisher.	Sherrill.
Forbes.	Smith of Bastrop.
Ford.	Smith of Wood.
Gilbert.	Sparkman.
Giles.	Stephens.
Goodman.	Stevenson.
Graves.	Steward.
Hanson.	Sullivant.
Hardy.	Tarwater.
Hatchitt.	Terrell
Herzik.	of Cherokee.
Hines.	Towery.
Holland.	Turner.
Howsley.	Van Zandt.
Hughes.	Vaughan.
Jackson.	Veatch.
Johnson	Wagstaff.
of Dallam.	Walker.
Johnson	Wiggs.
of Dimmit.	Young.

Absent.

Adams of Harris.	Harrison
Albritton.	of Waller.
Boyd.	Hefley.
Bradley.	Holloway.
Caven.	Hubbard.
Cox of Lamar.	Justiss.
Cox of Limestone.	Lee.
Dale.	Martin.
Daniel.	Mathis.
Dunlap.	Mehl.
Duvall.	Metcalfe.
Farrar.	Moffett.
Ferguson.	Moore.
Finn.	Nicholson.
Fuchs.	Olsen.
Greathouse.	Patterson.
Grogan.	Ramsey.

Ray.	Weinert.
Rogers.	West of Coryell.
Strong.	West of Cameron.
Terrell	Westbrook.
of Val Verde.	Wyatt.

Absent—Excused.

Brooks.	Morse.
Coombes.	Richardson.
Harman.	Warwick.
Kayton.	

Question then recurring on the motion by Mr. Satterwhite, it prevailed, and the House, accordingly, at 6 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Highways and Motor Traffic: Senate bills Nos. 307, 333, 505 and 599.
Criminal Jurisprudence: House bills Nos. 759 and 1024.

Appropriations: House bill No. 509.

Insurance: House bill No. 1026.

The following committee has filed adverse reports on bills, as follows:

Insurance: House bills Nos. 271, 652 and 653.

The Committee on Insurance filed an adverse report, with a minority favorable report, on House bill No. 558.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 24, Proposing to amend Section 13, Article 8, of the Constitution of the State of Texas, so as to provide for the right to redeem land sold at tax sale within two years from the date of the filing for record of the purchaser's deed for less than double the amount paid for the land; that is to say, upon payment within the first year of the redemption period of the amount of money paid for the land, including one dollar (\$1) tax deed recording

fee plus twenty-five per cent (25%), and within the last year of the redemption period upon the payment of the amount of money paid for the land, including one dollar (\$1) tax deed recording fee plus fifty per cent (50%).

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 45, Relating to soil and moisture conservation.

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 49, Granting permission to Judge Grissom to leave the State.

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 50, Relating to Depositors' Guaranty Fund.

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 688, "An Act authorizing and directing the State Auditor and Efficiency Expert to immediately begin an audit of the affairs, accounts, books, contracts and employes of the State Highway Department, and making an appropriation out of the funds belonging to the said Highway Department for the purpose of pay-

ing the employes necessary to carry out the provisions of this act in the sum of twelve thousand, nine hundred dollars (\$12,900), and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 741, "An Act amending Article 7122, Revised Civil Statutes, 1925, as amended by the Acts of the Fortieth Legislature, Regular Session, Chapter 62, Section 2, page 87, relating to inheritance taxes, by providing that property passing to or for the use of persons not related to a decedent shall be subject to the payment of inheritance taxes, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 754, "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits of schools of the county and work in co-operation with the teachers, under the direction of the county school superintendent; prescribing the salary of said supervisor, and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 811, "An Act to amend Section 1 of Chapter 31 of the Acts of the Second Called Session of the

Forty-first Legislature, relating to the qualifications and duties of the county board of education of certain counties, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 870, "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary, office and traveling expenses of said supervisor, and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, April 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 847, "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for repurchase of public school land situated in Brewster county and Loving county, Texas, subject to forfeiture and reappraisal on date of passage of Chapter 94, an act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon; providing for things necessary and incidental, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, April 17, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 746, "An Act authorizing
the commissioners court in any county
having a population of not less
than fourteen thousand (14,000) and
not more than fifteen thousand, five
hundred (15,500), according to the
last United States census, to allow
the county judge and each county
commissioner certain expenses for
traveling and in connection with the
use of his automobile on official business;
requiring each such judge and
commissioner to pay the expense of
operation and repair of each automobile
used by him without further expense
to the county, and declaring
an emergency."

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room.
Austin, Texas, April 17, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 43:

Whereas, The State of Texas owns
Goose island, containing approximately
150 acres of land, and situated
in Aransas county at the junction of
St. Charles Bay, Copano Bay and
Aransas Bay, near the Hug-the-Coast
Highway; and

Whereas, Said island is suitable for
use as a public park and playground
and is desired by the Texas State
Parks Board for use as a State park;
therefore, be it

Resolved, by the House of Representatives
of the State of Texas, the
Senate concurring, That Goose island
be set aside for use as a State park
and that it be placed under control
and management of the Texas State
Parks Board to be operated under the
direction of such board as a public
park, and said island is hereby withdrawn
from sale or lease for any
purpose inconsistent with its use for
park purposes.

Have carefully compared same and
find it correctly enrolled.

BOUNDS, Vice-Chairman.

In Memory
of
Dr. R. G. Powell

Mr. Gilbert offered the following resolution:

Whereas, The Supreme Master of Human Destiny, in His infinite wisdom, has called to eternal sleep and everlasting reward, Dr. R. G. Powell, of Baird, Texas, a former member of this body, an outstanding citizen of Texas, and a fearless crusader for the democratic principles of free government; and

Whereas, This noble citizen was a tireless worker, not only as a member of the Legislature, defending the citadels of free speech, open forum and popular government, but in the private walks of life he heard the cry of distress and at all times invested freely without hope of reward or favor, his material substance and professional skill that human woes might be reduced; and

Whereas, A frontiersman with unstained banner has calmly fallen from the ranks of that courageous army of builders that has wrought well amid the transforming scenes of Texas history, and contributed to the sum total that has made ours a great government. Therefore, be it

Resolved, by the House of Representatives, That the sympathy of this body be extended to Dr. Powell's brother, Hon. T. E. Powell, and his family, Baird, Texas; that a page of the House Journal be dedicated to his memory; a suitable wreath of flowers be forwarded, and when the House adjourns today it do so out of honor and respect to Dr. Powell's memory.

The resolution was read second time, and was adopted by a rising vote.

In Memory
of
Hon. H. A. Justice

Mr. Towery offered the following resolution:

Whereas, The Grim Reaper of Men, called Death, has removed from the mortal walks of humankind our beloved colleague of former years, Hon. H. A. Justice, of Henderson county; and

Whereas, Hon. H. A. Justice was a member of the Thirty-ninth and Fortieth House of Representatives, in which he rendered valuable and patriotic service to his country; and

Whereas, He rendered unselfish service to his native city of Athens as its judge, and to his native county of Henderson as county attorney; and

Whereas, He was a good citizen, a kind father and husband; and

Whereas, His loss to the State, county, home and friends will be keenly felt and sorrowfully deplored. Therefore, be it

Resolved, by the House of Representatives, That the sympathy and condolence of this body be conveyed to his wife, a page in the Journal be dedicated to his memory, and when the House adjourns today, it do so out of deference to his memory.

Signed—Towery, Cox of Lamar, Young, Brice, Baker, Lockhart, Gilbert, Savage, Coltrin, Akin, Dodd, Magee.

The resolution was read second time, and was adopted by a rising vote.

In Memory
of
Judge Charles A. Wilcox

Mr. Ferguson offered the following resolution:

Whereas, That Divine Providence, which directs and shapes the destinies of mankind, has called from the walks and paths of this life, Judge Charles A. Wilcox, of Austin, Texas, who, for many years gave unselfishly of his time and energy to the service of his native State, and who distinguished himself by the character of service he rendered his fellows as a man, as a friend and as a jurist; and

Whereas, Judge Wilcox was a brother-in-law of our beloved fellow member, Hon. H. N. Graves of Georgetown, Texas, and his passing brings sadness to the home of Judge Graves and his family; and

Whereas, We wish to extend to Judge Graves and his family, and the family of Judge Wilcox, our most sincere sympathy and condolence. Now, therefore, be it

Resolved, by the House of Representatives, that we hereby extend to Judge Graves and his family, and the relatives and friends of Judge Wilcox, our most heartfelt sympathy in this their moment of great bereavement, and that a page of today's Journal be set aside in memory of Judge Wilcox, and that when we adjourn today, it be in his memory, and that the Chief Clerk be, and is hereby, directed to send a copy of this resolution to the members of the family.

FERGUSON,
FORBES,
METCALFE.

The resolution was read second time, and was adopted by a rising vote.